

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claim amendments/Status

In this response, the claims 5 and 9 have been amended and claims 1-4, and 6-8 have been amended to assume "use" claim format. Claim 9 provides a basis for this shift in claiming. New claims 10 and 11 have been presented for examination.

Claims 1-4, 6-11 are pending in the application.

These claims are similar to those be accepted by the EPO in the corresponding European application, leading to the grant of EP 1 704 271 Bl. Amended claim 1 results from a contraction of the originally filed claims 1, 5 and 9 and is now directed to the use of a cellulosic fibre of the Lyocell type in carpets, textile flooring materials, wall linings and/or decoration materials, wherein the fibre has the ratio V of the strength of the fibre in the conditioned state (cN/tex) to the fibre elongation in the conditioned state (%) as specified in the original claim 1 and the titre of the fibre as specified in the original claim 5.

In claim 1, the abbreviations "FFk" and "Fdk" have been deleted and replaced by the appropriate units. The term "FFk" is the German abbreviation for the fibre strength in the conditioned state. This property is measured in cN/tex. The term "Fdk" is the German abbreviation for the fibre elongation in the conditioned state. This property is defined as (%). As apparent from page 4 of the English translation of the specification, both properties are well defined in the "Testing methods viscose, modal, lyocell and acetate staple fibres and tows" as published by the BISFA.

It is therefore submitted that the definition of the ratio V in claim 1 should be fully clear. The dependent claims referring to the preferred decitex of the fibres have been amended by replacing the words "or more" by "to 25 dtex".

Rejections under 35 USC § 112

The rejection of claims 1-4 and 6-9 under 35 USC § 112 second paragraph as being indefinite, is to the degree it still pertains to the claims as amended is respectfully traversed.

The rejection of claims 1-4, 8 and 9 under 35 USC § 112 first paragraph as being based on a disclosure which fails to reasonably provide enablement for Lyocell fibers having the claimed ratio V. This issue is dealt with *supra*. and is respectfully traversed.

Rejections under 35 USC § 101

The rejection of claim 9 under 35 USC § 101 is rendered moot by its cancellation.

Rejection under 35 USC § 102

The rejection of claims 1-8 under 35 USC §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US 6,235,392 issued to Luo et al. is respectfully traversed.

The use claimed in the amended claim 1 is submitted as being novel over the cited prior art. More specifically, Luo (6,235,392) does not describe cellulose fibres with a ratio V of 2.2 or less and a titre of from 6 dtex to 25 dtex. Moreover, there is no mention in this document about the use according to the invention of such cellulose fibres in the fields of application as specified in claim 1.

Claim 1 is also based on an inventive step. First, it must be regarded as surprising that, in Lyocell fibres having a titre of more than 6 dtex, the ratio V suddenly drops down to values of 2.2 or less.

From Fig. 1 of the instant application it is apparent that Lyocell fibres having a titre of up to and slightly more than 5 dtex exhibit a ratio V of more than 2.5. Beginning with a titre of 6 dtex, said ratio suddenly drops down to 2.2 or below. The fibres examined according to this diagram were all produced under the same conditions as described in the example part of the present patent application.

As is apparent from the specification of the present application, Lyocell fibres having a higher titre and a balanced ratio V surprisingly exhibit excellent properties with respect to use in carpets and similar products. The flexural stiffness which is increased in comparison to that of viscose fibres should in particular be mentioned.

As already explained above, the cited prior art includes no teaching with respect to the fibres used according to the invention. Thus, the effect according to the invention regarding the particular applicability of the fibres according to the invention for the products specified in claim 1 could even less be derived from the prior art documents.

Conclusion

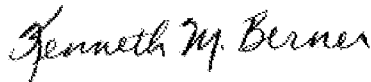
All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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